

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application for a Pipeline
Routing Permit for the Nashwauk-Blackberry
Natural Gas Pipeline Project

FIRST PREHEARING ORDER

A prehearing conference was held September 18, 2007, in the Summit Room of the Department of Commerce before Administrative Law Judge Steve M. Mihalchick. The following persons appeared:

Karen Finstad Hammel, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101, appeared on behalf of the Department of Commerce (the Department). William Storm and Deborah Pile also appeared for the Department.

Kathleen M. Brennan and Joseph T. Bagnoli, McGrann Shea, 800 Nicollet Mall, Suite 2600, Minneapolis, MN 55402-7035, appeared on behalf of the Applicant, Nashwauk Public Utilities Commission (NPUC or Applicant).

Robert Cupit, Senior Facility Planner, Minnesota Public Utilities Commission, 121 East Seventh Place, Suite 350, St. Paul,, MN 55101-2147, named as Commission's Representative in this matter, appeared on behalf of the Public Utilities Commission (the Commission or PUC).

Based on the discussions during the prehearing conference, the submissions of the parties and interested persons, and upon all of the files, the Administrative Law Judge makes the following:

ORDER

Parties and Intervention

1. The only party to this matter named by the Commission in its Notice of Hearing was the Applicant.
2. Pursuant to Minn. R. 1405.0800, all persons are encouraged to participate in this proceeding. Members of the public need not become formal parties to participate in the hearing. Members of the public may offer oral or written comments or testimony, may offer exhibits for the record, and may question all persons that testify. Only parties may submit post-hearing briefs and reply briefs. Usually only parties have appeal rights.
3. Any person who desires to be a party must file a Petition to Intervene by the last day of the public hearing. That is currently scheduled to be December 7, 2007. Any person who petitions to intervene after that date may be restricted as to the scope of their

participation. Any existing party that wishes to object must file an objection within seven days of service of the petition. Petitions to Intervene must comply with Minn. R. 1405.0900.

Procedure

4. The Administrative Procedure Act¹ and the Siting and Routing Rules of the Office of Administrative Hearings² shall govern the conduct of the hearing. If those provisions are silent on any issue, OAH rules regarding contested cases³ and the Commission's Rules of Practice and Procedure,⁴ may be applied by the Administrative Law Judge.

Schedule

The following schedule is adopted:

Date	Filing Due (postmarked, delivered, or emailed) or Event
November 1, 2007	PUC meeting to select route alternatives to be considered at Public Hearing
As required	Notice of Hearing prepared by the Department
November 21, 2007	Prefiled Direct Testimony by Applicant and any other parties
November 30, 2007	Prefiled Rebuttal Testimony by parties
December 6 and 7 (if necessary), 2007	Public Hearing
December 7, 2007	Petitions to Intervene
December 18, 2007	Written public comments or sworn testimony
December 19, 2007	Initial briefs of parties
January 18, 2008	Reply briefs and proposed findings of parties

Filing of Documents

5. Prefiled testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being cited by page and line number, paragraph number, or similar identifier.

¹ Minn. Stat. §§ 14.57 – 14.62.

² Minn. R. 1405.0200 – 1405.2700.

³ Minn. R. 1400.5100 – 1400.8400.

⁴ Minn. R. 7829.0100 – 7829.3200.

6. Persons capable of doing so should E-file electronic versions of their documents on the E-Filing system of the Commission and the Department (the E-Filing system). Such E-filing constitutes service upon the Commission, Administrative Law Judge, and Department.

7. All documents filed, including prefiled testimony, but excluding information requests and responses, shall be filed as follows:

a. The original document shall be filed using the E-filing system wherever possible. Otherwise, the original document shall be sent by U. S. Mail to:

Hon. Steve M. Mihalchick
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

or by delivery to:

Hon. Steve M. Mihalchick
Office of Administrative Hearings
600 North Robert Street
St. Paul, Minnesota

b. After the Administrative Law Judge's Report is issued, all parties and other persons shall file the original of all documents with the Executive Secretary of the Commission, in the manner provided for by the Commission.

8. Copies of all documents shall be served on the persons listed on the attached service list, in the number indicated. The list will be revised as necessary by the Office of Administrative Hearings. Service shall be made according to the most current service list provided to the parties by the Office of Administrative Hearings.

9. The effective date of filing shall be the date the document is E-filed, mailed by U.S. Mail, or delivered to the Administrative Law Judge or Executive Secretary of the Commission.

10. A certificate of service shall be filed with each filed document or within three business days thereafter. Parties using the E-filing system should retain the unique document identifier as proof of service through that system.

11. If nonpublic data is filed with the Administrative Law Judge or Commission, it shall be prepared and marked in accordance with the Commission's September 1, 1999, Revised Procedures for Handling Trade Secret and Privileged Data. Those procedures may be viewed at www.puc.state.mn.us/docs/tradsecret.pdf.

Discovery

12. Discovery may only be conducted upon motion to the Administrative Law Judge.⁵

⁵ Minn. Rules 1405.0200 – 1405.2700 do not provide for discovery, except that Administrative Law Judges are authorized by Minn. R. 1405.0400, subp. 3, to rule on motions for discovery.

13. This Order does not limit the right of the Department to conduct its review of the Application and make inquiries of the Applicant.

Offering of Prefiled Testimony and Examination of Witnesses

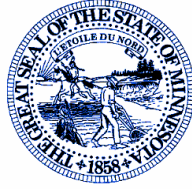
14. At the hearing, prefiled testimony and exhibits shall be offered and received as hearing exhibits and exhibit numbers shall be assigned at that time. Except for cause shown, all substantive revisions or corrections to any prefiled testimony shall be filed with the Administrative Law Judge and served no later than three days before the public hearing starts. E-filing shall be used where possible.

15. Witnesses shall be allowed five minutes to summarize their prefiled testimony. Additional time may be allowed if necessary or a witness to respond to new issues raised by other parties, if no response was previously allowed.

16. Parties and other persons shall examine and cross-examine witnesses through their attorneys, if they are represented by counsel. Any person not represented by counsel may examine and cross-examine witnesses through any one representative chosen by the person.

Dated: October 2, 2007

/s/ Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

October 2, 2007

All Parties on the ALJ's Service List

**Re: *In the Matter of the Application for a Pipeline Routing Permit
for the Nashwauk-Blackberry Natural Gas Pipeline Project;***
MPUC Docket No. PL, E-280/GP-06-1481
OAH Docket No. 12-2500-19166-2

Dear Parties:

The document listed below has been filed with the E-Docket system and served as specified on the attached service list.

First Prehearing Order

Sincerely,

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

Telephone: 651-361-7844
steve.mihalchick@state.mn.us

SMM:mo
Encl.

cc: Docket Coordinator

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

**In the Matter of the Application for a Pipeline Routing Permit for the
Nashwauk-Blackberry Natural Gas Pipeline Project**

Administrative Law Judge's Service List as of October 2, 2007

Serve one copy of the document or item, unless otherwise indicated, on the following persons. If you E-File a document on the PUC E-Filing system, persons with the E-File notation (**EF**) below need not be served a paper copy, unless otherwise indicated.

Burl W. Haar
Minnesota Public Utilities Commission
121 East Seventh Place, Suite 350
St. Paul, MN 55101-2147
(**EF or original**)

Hon. Steve M. Mihalchick
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620
(**EF**)

Sharon Ferguson
Docket Coordinator
MN Department of Commerce
85 Seventh Place East, Suite 500
St. Paul, MN 55101-2198
(**EF or 4 copies**)

Robert Cupit
Minnesota Public Utilities Commission
121 East Seventh Place, Suite 350
St. Paul, MN 55101-2147
(**EF**)

Karen Finstad Hammel
Assistant Attorney General
445 Minnesota Street
Suite 1400
St. Paul, MN 55101

Kathleen M. Brennan
McGrann Shea
800 Nicollet Mall, Suite 2600
Minneapolis, MN 55402-7035

Joseph T. Bagnoli
McGrann Shea
800 Nicollet Mall, Suite 2600
Minneapolis, MN 55402-7035

In addition to E-filing or paper service, electronic copies should also be e-mailed to the following persons:

bob.cupit@state.mn.us
bill.storm@state.mn.us
burl.haar@state.mn.us
deborah.pile@state.mn.us
jshaddix@janetshaddix.com
jtb@mcgrannshea.com
karen.hammel@state.mn.us
kmb@mcgrannshea.com
sharon.ferguson@state.mn.us
steve.mihalchick@state.mn.us

Nonpublic data must be served only in hard-copy format by U.S. mail or delivery.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
P. O. BOX 64620
ST. PAUL, MINNESOTA 55164-0620

CERTIFICATE OF SERVICE

Case Title: <i>In the Matter of the Application for a Pipeline Routing Permit for the Nashwauk-Blackberry Natural Gas Pipeline Project</i>	OAH Docket No. 12-2500-19166-2 MPUC Docket No. PL, E-280/GP-06-1481
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Mary Osborn certifies that on the 2nd day of October, 2007, she served a true and correct copy of the attached **First Prehearing Order**; by electronic mail and/or by placing it in the United States mail with postage prepaid (as indicated on the Service List), addressed to the following individuals:

All Parties on the ALJ's Service List	